

DEPARTMENT OF THE ARMY
Wilmington District, Corps of Engineers
Raleigh Regulatory Field Office
6508 Falls of Neuse Road, Suite 120
Raleigh, North Carolina 27615-6814
(Web page - <http://www.saw.usace.army.mil/wetlands/index.htm>)

Action ID. 199920387

February 20, 2003

PUBLIC NOTICE

PERMIT MODIFICATION

The North Carolina Department Of Transportation, Division Of Highways, 1548 Mail Service Center, Raleigh, North Carolina 27699-1548, has applied for MODIFICATION of a DEPARTMENT OF THE ARMY (DA) PERMIT pursuant to SECTION 404 OF THE CLEAN WATER ACT to authorize the proposed discharge of dredged and fill material impacting waters of the United States, consisting of 19.27 acres of WETLANDS, 5,865 linear feet of STREAMS, and 7.52 acres of PONDS, for construction of Sections F and G of the NORTHERN WAKE EXPRESSWAY (T.I.P. No. R-2000F&G), crossing the NEUSE RIVER, BEAVERDAM CREEK, unnamed tributaries, and adjacent wetlands, generally northeast of RALEIGH, in WAKE COUNTY, NORTH CAROLINA.

The following description of the work is taken from data provided by the applicant. Plans submitted with the application show the placement of fill material impacting waters of the United States, in the Neuse River basin, generally northeast of Raleigh, in Wake County, North Carolina. These impacts are necessary for the construction of Sections F and G of the Northern Wake Expressway (T.I.P. No. R-2000F&G). The proposed highway sections will extend from just east of US 1, at the eastern end of the existing I-540 Northern Wake Expressway, to US 64, between the Neuse River and Knightdale, with new interchanges at US 401, SR 2215 (Buffalo Road), and US 64. The southern end will also connect with the extension of the Northern Wake Expressway (T.I.P. No. R-2641), which connects to the Knightdale Bypass (T.I.P. No. R-2547), and which have both been permitted.

Sections A, B, C, D, E, F and G of the Northern Wake Expressway (T.I.P. No. R-2000), were previously authorized under individual Department of the Army permits. Sections F and G were authorized based on preliminary design, with a condition that their construction would require modification of the permit if the final design changed the impacts to waters of the U.S. The final design for Sections F and G has increased the impacts to wetlands by 3.64 acres. The impact increases in the final design are primarily due to the addition of a single travel lane in each direction, and the inclusion of mechanized clearing impacts at the bottom of fill slopes for temporary sediment and erosion controls.

The project will involve fill impacts to unvegetated waters of the United States. These impacts to stream channels (5,865 linear feet), and ponds (7.52 acres) occur at 16 locations throughout the project. At the river and stream crossings, bridges, culverts or pipes will be used to allow for adequate hydrological flow underneath the roadway. The proposed construction will also impact 19.27 acres of vegetated wetlands by filling, excavation, and mechanized clearing. The impacted wetlands include palustrine and riverine forested, marsh, and scrub/shrub areas.

NCDOT is proposing use of the Benson Grove wetland restoration and preservation sites on Black Creek in Johnston County, and the Marks Creek (Phase I) wetland enhancement and preservation sites near Knightdale in Wake County, to provide compensatory mitigation for the 18.68 acres of permanent wetland impacts from this project. NCDOT is proposing 312 linear feet of natural, on-site stream channel relocation, and payment to the North Carolina Wetland Restoration Program for 5,553 linear feet of stream channel restoration, to provide compensatory mitigation for all the stream impacts from this project at a 1:1 ratio. As required by the State of North Carolina Neuse Buffer Rules, NCDOT will also make a payment to NCWRP of \$1,659,172.50 for stream buffer restoration, which will be used to restore stream ecosystems.

The purpose of the work is to improve the transportation facilities in this portion of Wake County to provide for current and future traffic needs. The applicant has considered several alternatives to the total Northern Expressway project, including the no-build alternative, improving the existing roadway system, public transportation alternatives, and several alternative expressway alignments. In addition, the applicant has committed to investigating measures to avoid and minimize wetland and stream impacts, including not staging construction equipment or storing supplies in wetlands or near surface waters, use of High Quality Waters erosion and sediment control measures, stream channels, using 2:1 fill slopes through wetlands, where feasible, eliminating ditching through wetlands, where possible, a decreased median width, natural stream relocation, where feasible, and using a temporary work bridge rather than a riprap causeway for bridge construction access.

Overall plans showing the proposed construction are included with this public notice. Additional detailed plans may be reviewed at the U.S. Army Corps of Engineers Regulatory Field Office at 6508 Falls of Neuse Road, Suite 120, Raleigh, North Carolina 27615-6846, or at the offices of the North Carolina Division of Water Quality at the address shown below.

The State of North Carolina will review this public notice to determine the need for the applicant to obtain any required State authorization. No Department of the Army permit will be issued until the coordinated State viewpoint on the proposal has been received and reviewed by this agency, nor will a Department of the Army permit be issued until the North Carolina Division of Water Quality has determined the applicability of a Water Quality Certificate as required by PL 92-500.

This application is being considered pursuant to Section 404(b) of the Clean Water Act (33 U.S.C. 1344). Any person may request, in writing within the comment period specified in the notice, that a public hearing be held to consider this application. Requests for public hearing shall state, with particularity, the reasons for holding a public hearing.

NCDOT has investigated and consulted with the North Carolina State Historic Preservation Officer (SHPO) regarding architectural and archaeological resources listed in, or eligible for inclusion in the National Register of Historic Places. As a result, NCDOT has determined that this portion of the Expressway will have an effect on two listed properties and one eligible property. NCDOT, the Federal Highway Administration and SHPO agreed to a Memorandum of Agreement (MOA) in 1990 that provides for protection of the known eligible and listed properties, and for further investigation to discover archaeological resources that may be eligible. NCDOT has completed the required archaeological investigations and no eligible sites have been discovered. NCDOT has complied with all of the stipulations in the MOA regarding the historic properties. The District Engineer has consulted the latest published version of the National Register of Historic Places for the presence or absence of registered properties, or properties listed as being eligible for inclusion therein, beyond those identified in the MOA, and the project does not impact any additional registered property or property listed as being eligible for inclusion in the Register. Consultation of the National Register constitutes the extent of cultural resource investigations by the District Engineer. The District Engineer is otherwise unaware of the presence of such resources. Presently, unknown archeological, scientific, prehistoric, or historical data may be lost or destroyed by work under the requested permit.

The District Engineer is not aware, based on available information, that the activity will affect species, or their critical habitat, designated as endangered or threatened pursuant to the Endangered Species Act of 1973.

The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the proposed activity and its intended use on the public interest. Evaluation of the probable impacts which the proposed activity may have on the public interest requires a careful weighing of all those factors which become relevant in each particular case. The benefits which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. The decision whether to authorize a proposal, and if so the conditions under which it will be allowed to occur, are therefore determined by the outcome of the general balancing process. That decision should reflect the national concern for both protection and utilization of important resources. All factors which may be relevant to the proposal must be considered including the cumulative effects thereof. Among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people. For activities involving the placement of dredged or fill materials in waters of the United States, a permit will be denied if the discharge that would be authorized by such permit would not comply with the Environmental Protection

Agency's 404(b)(1) guidelines. Subject to the preceding sentence and any other applicable guidelines or criteria, a permit will be granted unless the District Engineer determines that it would be contrary to the public interest.

The Corps of Engineers is soliciting comments from the public; Federal, State, and local agencies and officials; Indian Tribes, and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in preparation of an Environmental Assessment and/or Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

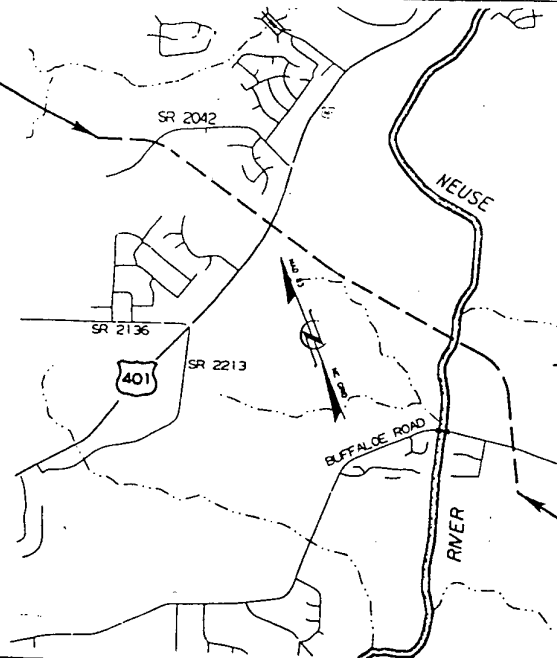
Generally, the decision whether to issue this DA permit will not be made until the North Carolina Division of Water Quality (NCDWQ) issues, denies, or waives State certification required by Section 401 of the Clean Water Act. The NCDWQ considers whether or not the proposed activity will comply with Sections 301, 302, 306, and 307 of the Clean Water Act. The application and this public notice for the DA permit serves as application to the NCDWQ for certification.

Additional information regarding the Clean Water Act certification may be reviewed at the offices of the Wetlands /401 Unit, North Carolina DENR, Division of Water Quality, 2321 Crabtree Boulevard, Raleigh, North Carolina. Copies of such materials will be furnished to any person requesting copies upon payment of reproduction costs.

All persons desiring to make comments regarding the application for Clean Water Act certification should do so in writing delivered to the North Carolina Department of Environment and Natural Resources, Division of Water Quality, 1650 Mail Service Center, Raleigh, NC 27699-1650, on or before March 14, 2003, Attention: Mr. John Dorney.

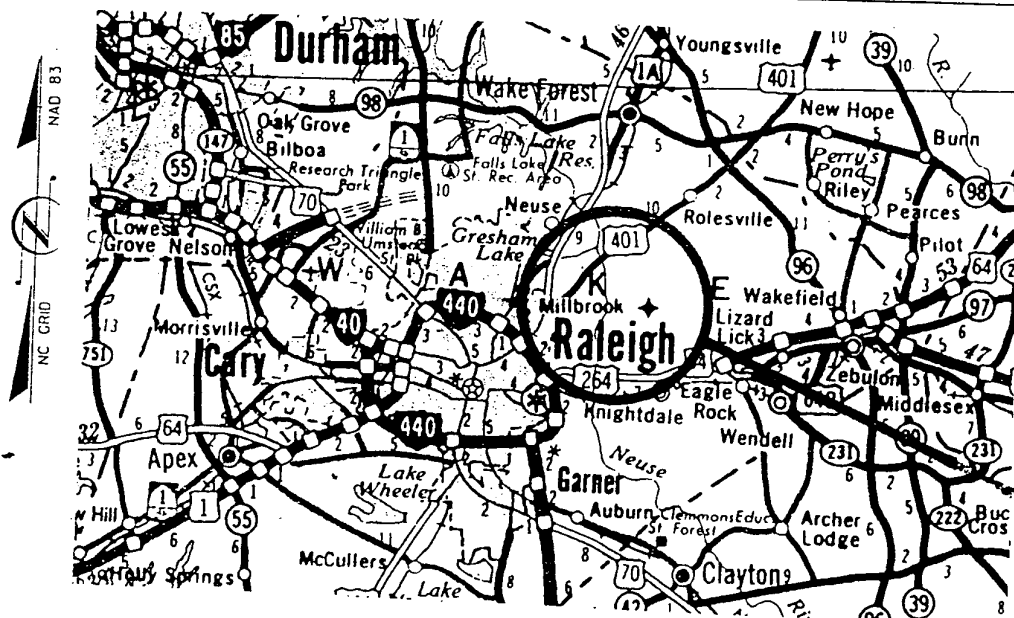
Written comments pertinent to the proposed work, as outlined above, will be received in this office, Attention: Eric Alsmeyer, until 4:15 p.m., March 21, 2003, or telephone 919-876-8441, extension 23.

BEG. PROJ.



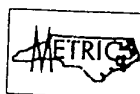
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PORTION OF WAKE COUNTY MAP



PROJECT

PORTION OF STATE MAP



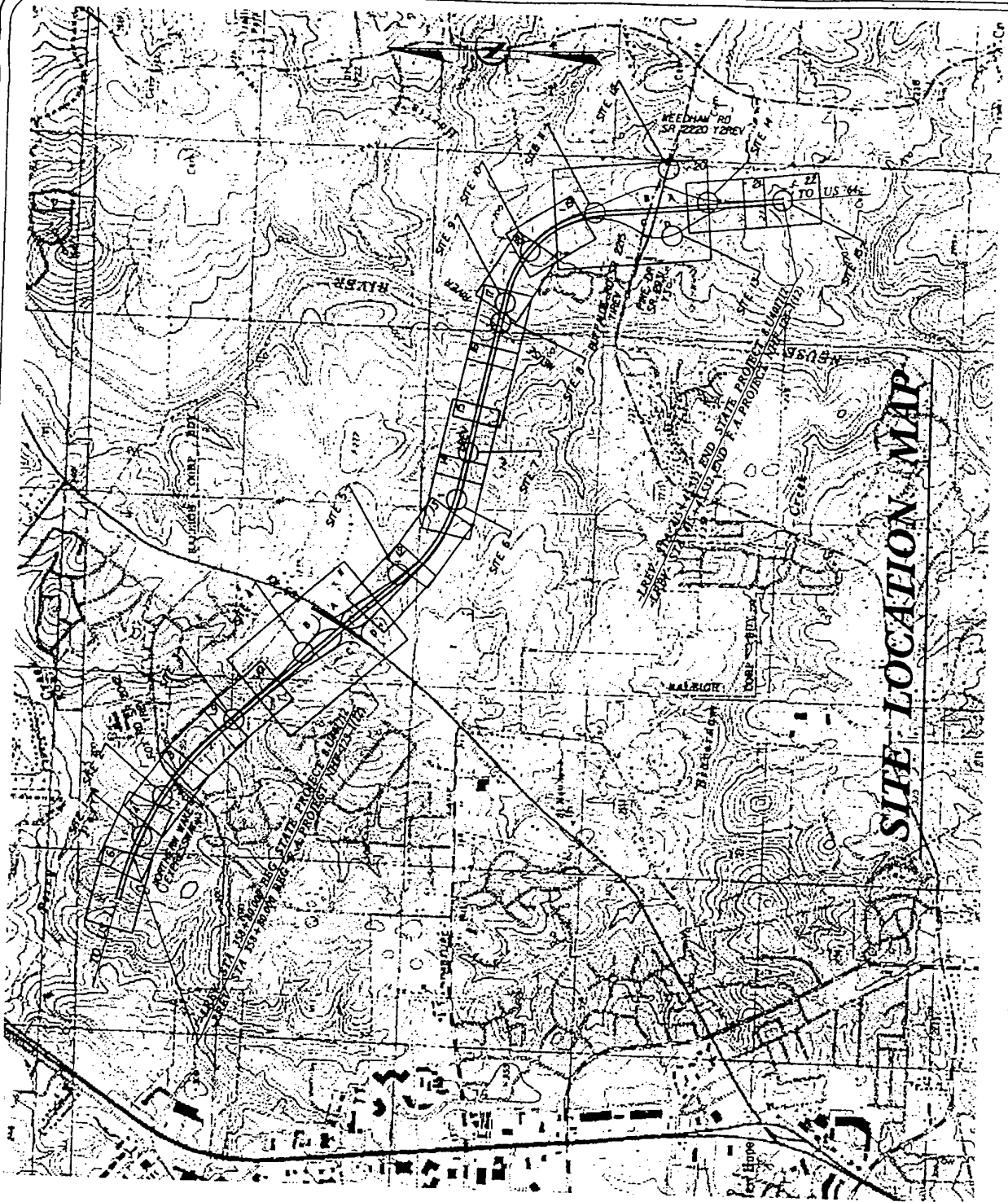
NORTH CAROLINA
DEPARTMENT OF HIGHWAYS

WAKE COUNTY
B.U401727 (R-2000F)
NORTH RALEIGH OUTER LOOP

SCALE AS SHOWN

6/24/02

SHEET 1 OF 9



NORTH CAROLINA
DEPARTMENT OF HIGHWAYS

WAKE COUNTY
8.U401727 (R-2000F)
NORTH RALEIGH OUTER LOOP

SCALE AS SHOWN

6/24/02

SHEET 2 OF 9

**Project No. 8.U401712 (R-2000G)
Property Owner List
For
Each Wetland Site**

Site NO.	Station	Property NO.	Name DB and Pg	Address
7	-L- 444+63 Rt. to -L- 445+10 Lt.	(3)	N C D O T	P.O. Box 25201 Raleigh, N.C. 27611
	-L- 446+05 Lt. to -L- 446+37 Lt.	(3)	N C D O T	P.O. Box 25201 Raleigh, N.C. 27611
8	-L- 453+93 to -L- 454+21	(3)	N C D O T	P.O. Box 25201 Raleigh, N.C. 27611
9	-L- 456+72 to -L- 457+25	(3)	N C D O T	P.O. Box 25201 Raleigh, N.C. 27611
10	-L- 459+65 Rt. to -L- 462+92 Rt.	(3)	N C D O T	P.O. Box 25201 Raleigh, N.C. 27611
11	-L- 415+40 Lt. to -Y10- 19+48 Rt.	(3)	N C D O T	P.O. Box 25201 Raleigh, N.C. 27611
	-Y10- 19+48 Lt. to -Y10- 19+51 Rt.	(7)	Needham Alton Poole DB 1910 Pg 450	7100 Blue run Lane Raleigh, N.C. 27604
12	-L- 434+23 Rt. to -L- 434+92 Rt.	-	N C D O T	P.O. Box 25201 Raleigh, N.C. 27611
	-L- 434+92 Rt. to -L- 435+30 Rt.	-	Martin L: & Ann Ledford Allen DB 2674 Pg 345 DB 3261 Pg 480	2301 Milburnie Rd., Raleigh, N.C. 27604-9646
	-L- 435+30 Rt. to -L- 436+01 Rt.	-	Johnny M. & Dona I. Hill DB 4652 Pg 732	2205 Old Milburnie Rd. Raleigh, N.C. 27604-9645

N.C. DEPT. OF TRANSPORTATION
DIVISION OF HIGHWAYS

WAKE COUNTY

PROJECT: 8.U401712 (R-2000G)
I-540 NORTHERN WAKE EXPRESSWAY

SHEET 3 OF 9

10 / 29 / 02

**Project No. 8.U401712 (R-2000G)
Property Owner List
For
Each Wetland Site**

Site NO.	Station	Property NO.	Name DB and Pg	Address
1	-L- 419+10	(1)	Hazel Poole Wilson DB 2208 Pg 493	5264 Forestville Rd. Raleigh, N.C. 27604-9698
2	-L- 421+85 to -L- 423+49 Lt.	(2)	W. Gordon Poole DB 1575 Pg 595	200 W. Cornwall Rd., Apt. 5208 Cary, N.C. 27511-3802
	-L- 424+43 Lt. to -L- 424+67 Lt.	(2)	W. Gordon Poole DB 1575 Pg 595	200 W. Cornwall Rd., Apt. 5208 Cary, N.C. 27511-3802
	-L- 424+67 Lt. to -L- 426+12 Rt.	(3)	N C D O T	P.O. Box 25201 Raleigh, N.C. 27611
4	-L- 433+12 to -L- 433+48	(3)	N C D O T	P.O. Box 25201 Raleigh, N.C. 27611
5	-L- 435+80 to -L- 435+85	(4)	Martin L. & Ann Ledford Allen DB 2674 Pg 345 DB 3261 Pg 480	2301 Milburnie Rd. Raleigh, N.C. 27604-9646
6	-L- 441+40 Lt. to -L- 442+78 Rt.	(5)	Johnny M. & Richard A. Hill DB 6050 PG 83	5000 William and Mary Dr. Raleigh, N.C. 27616-6813
	-L- 441+90 to -L- 442+48	(3)	N C D O T	P.O. Box 25201 Raleigh, N.C. 27611
7	-L- 443+27 to -L- 443+81	(3)	N C D O T	P.O. Box 25201 Raleigh, N.C. 27611
	-L- 443+81 to -L- 446+38 Rt.	(6)	Eric Stephen Stroud DB 3337 Pg 160	1832 Old Milburnie Rd. Raleigh, N.C. 27604-9638

(continued)

N.C. DEPT. OF TRANSPORTATION
DIVISION OF HIGHWAYS

WAKE COUNTY

PROJECT: 8.U401712 (R-2000G)
I-540 NORTHERN WAKE EXPRESSWAY

SHEET 4 OF 9

10/29/02

IMPACT SUMMARY

[illegible]

- Denotes Draining of Pond Impact.
- .. Denotes no defined Channel.

N.C. DEPT. OF TRANSPORTATION
DIVISION OF HIGHWAYS

WAKE COUNTY

PROJECT: 8.U401712
NCDOT T.I.P. NO: R-2000G

SHEET 5 OF 9

REV. 8/29/02 6/4/02

IMPACT SUMMARY

IMPACT SUMMARY																
			WETLAND IMPACTS					SURFACE WATER IMPACTS					BUFFER IMPACTS			
Site No.	Station (From / To)	Structure Size	Fill In Wetlands (ha)	Temp Fill In Wetlands (ha)	Excavation In Wetlands (ha)	Isolated Wetland (ha)	Mechanized Clearing (Method III) (ha)	Fill In SW (Natural) (ha)	Fill In SW (Pond) (ha)	Temp. Fill In SW (ha)	Existing Channel Impacted (m)	Relocated Channel (m)	Enclosed Channel (m)	Zone 1 (ha)	Zone 2 (ha)	Mechanized Clearing (Method III) (ha)
11	1. 415+40 / 1. 416+52.8	600, 750	0.275	—	0.039	—	0.043	0.010	—	—	98.8	—	20.3	0.201	0.133	0.030
1	1. 418+290.7 / 1. 419+12.0	900	0.097	—	0.003	—	0.005	—	0.413 *	—	76.7	—	79.8	0.336	0.243	0.018
2	1. 421+450.7 / 1. 422+511	2 @ 3.0 x 2.1 RCBC	0.251 *	—	0.013	—	0.057	0.035	—	—	85.2	—	73.3	0.188	0.164	0.004
	1. 424+46.7 / 1. 425+12.0	900	0.218	—	—	—	0.050	0.019	—	—	187.7	—	122.8	0.289	0.167	0.034
4	1. 431+050.7 / 1. 434+14.0	—	0.026 *	—	0.174	—	—	—	—	—	85.4	—	—	0.165	0.127	—
12	1. 434+14.0 / 1. 437+05.0	750	—	—	—	—	—	0.015	0.460 *	—	73.0	—	—	0.392	0.265	—
5	1. 435+200.7 / 1. 436+04.0	750	—	—	—	—	—	—	0.037	—	—	—	—	—	—	—
6	1. 441+330.7 / 1. 442+78.0	1350, 1650	0.013	—	—	—	0.002	—	0.852 *	—	—	—	—	0.374	0.263	0.021
7	1. 443+251.7 / 1. 445+7.0	900	0.365	—	—	—	0.012	—	—	—	—	—	—	0.076	0.067	0.011
	1. 445+26.0 / 1. 448+26.0	BRIDGE	—	0.090	—	—	0.039 *	—	0.014	0.078	—	—	—	0.107	0.060	0.074 *
8	1. 451+331.7 / 1. 454+63.0	600	0.180	—	—	—	0.019	—	—	—	109.6	—	100.6	—	—	—
SHEET SUB TOTALS:			1.425	0.090	0.229	0.000	0.227	0.079	1.776	0.078	716.4	0.0	396.8	2.128	1.489	0.191

* This quantity contains 0.039 ha. of "Drained Wetlands".

† This quantity contains 0.026 ha. of "Drained Wetlands".

‡ This quantity contains 0.039 ha. of "Hand Clearing".

§ This quantity contains 0.059 ha. of "Hand Clearing".

Denotes Draining of Pond Impact.

Denotes no defined Channel.

N.C. DEPT. OF TRANSPORTATION
DIVISION OF HIGHWAYS

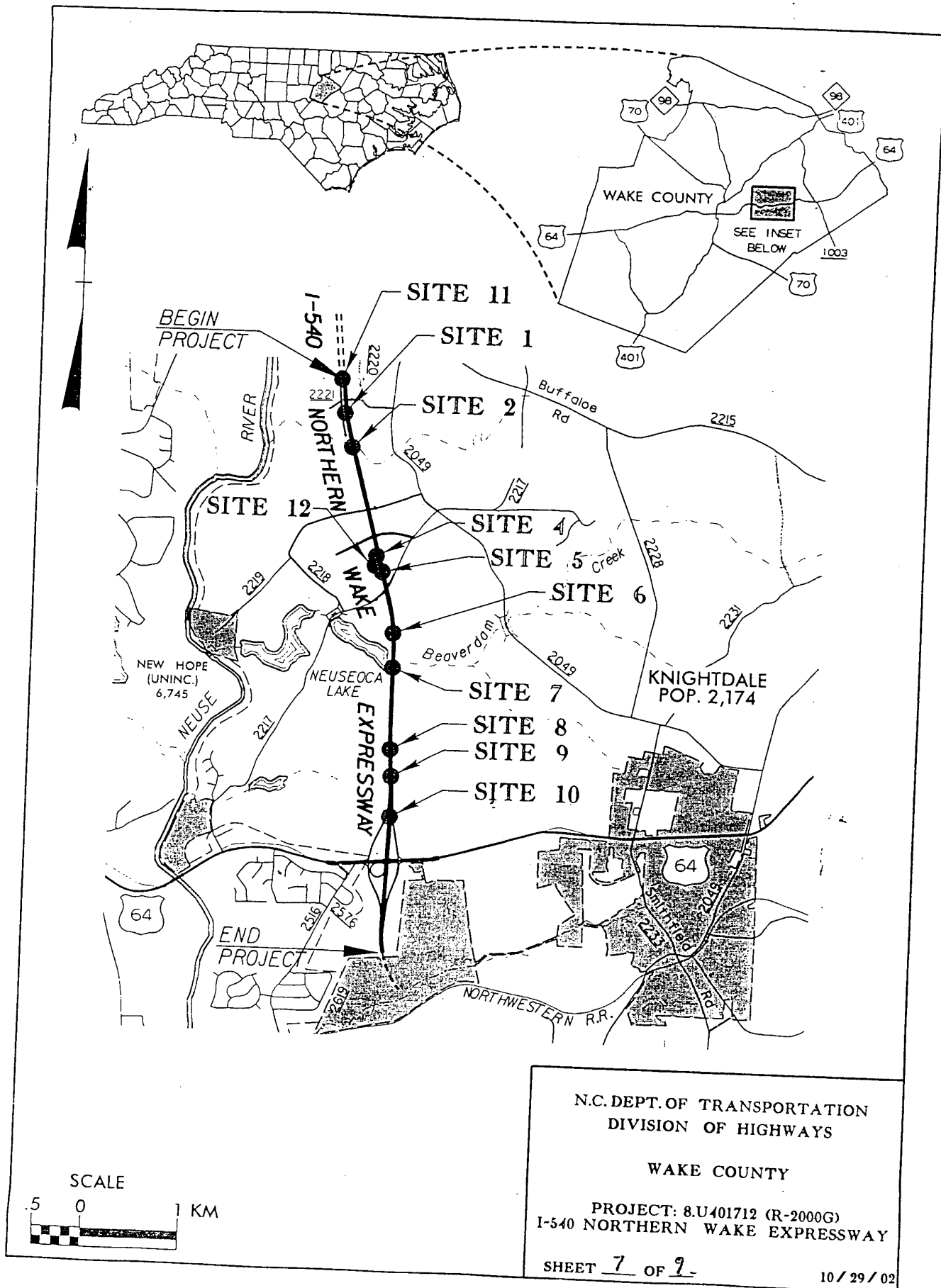
WAKE COUNTY

PROJECT: 8.U401712
NCDOT T.I.P. NO: R-2000G

SHEET 6 OF 9

REV. 8/29/02

6/4002



* ADDITIONAL 0.25 HA HAND CLEARED, NOT A JURISDICTIONAL ACTION
-- TEMPORARY IMPACT FOR TIMBER MAT

WAKE COUNTY
8JU401727 (R-2000F)
NORTH RALEIGH OUTER LOOP

SUMMARY OF AFFECTED PROPERTY OWNERS

TRACT NO.	PROPERTY OWNER	ADDRESS	SITE NO.
(1)	C. THOMAS HENDRICKSON	P.O. BOX 41228 RALEIGH, NC 27629	1, 2
(2)	N.C.D.O.T.	P.O. BOX 25201 RALEIGH, NC 27611	3
(3)	N.C.D.O.T. (FORMERLY CLINE ASSOC.)	P.O. BOX 25201 RALEIGH, NC 27611	3,4
(4)	N.C.D.O.T. (FORMERLY DORIS D. BRADSHAW)	P.O. BOX 25201 RALEIGH, NC 27611	5
(5)	BUFFALOE & ASSOCIATES	P.O. BOX 17102 RALEIGH, NC 27619	6,7 & 8
(6)	ALLEN BROTHERS TIMBER CO., INC	ROUTE 3 BOX 56A ROCKINGHAM, NC 28379	8,9 & 10
(7)	MILL RUN ASSOC. LIMITED PARTNERSHIP	280 DAINES ST., SUITE 300 BIRMINGHAM, MI 48009	10
(8)	ALICE HESTER WATKINS	7128 BUFFALOE RD. RALEIGH, NC 27604	10,11 & 13
(9)	PAUL K. HESTER	7308 BUFFALOE RD. RALEIGH, NC 27604	11, 13 & 13
(10)	C. P. CHAPPELL	5228 NEEDHAM RD. RALEIGH, NC 27604	15
(11)	LAMONT M. & DELORIS W. INGE	250A OLD MILBURNIE RD. RALEIGH, NC 27604	12

LEGEND

CLS CHANNEL LOSS SITE
SLS SURFACE LOSS SITE

**NORTH CAROLINA
DEPARTMENT OF HIGHWAYS**

WAKE COUNTY
8JJ40127 (R-2000F)
NORTH RALEIGH OUTER LOOP

SCALE AS SHOWN

SHEET 9 OF 9